

# Fair Housing for Real Estate Industry Professionals



Top 100 Frequently Asked  
Questions & Answers

~ Washington State Edition ~



**Fair Housing  
Partners of  
Washington State**

First Edition (April 2005)



# Introduction

Welcome to “Fair Housing for Real Estate Industry Professionals.” The Fair Housing Partners of Washington have created this guidebook to address the most common questions and quandaries about fair housing as it applies to residential real estate transactions.

Most of the questions in this book came from real estate professionals and mortgage lenders who sat down with us in a series of meetings in late 2004. Thank you to everyone who met, called or e-mailed us with suggestions and comments. Without your help, this volume would have far fewer pages!

This guidebook was edited by the King County Office of Civil Rights (KCOCR) and the Seattle Office for Civil Rights (SOCR). We have tried to present a wide variety of topics and situations – but of course, no guidebook can cover everything. If you have comments about this book or questions you’d like to see included in a future edition, please complete the comment sheet available online at [www.metrokc.gov/dias/ocre/RE100Qcom](http://www.metrokc.gov/dias/ocre/RE100Qcom) or call KCOCR at 206-296-7592, TTY 206-296-7596, or e-mail us at [civil-rights.ocr@metrokc.gov](mailto:civil-rights.ocr@metrokc.gov).

This guide is available online at [www.metrokc.gov/dias/ocre/ho.htm](http://www.metrokc.gov/dias/ocre/ho.htm) or [www.seattle.gov/civilrights](http://www.seattle.gov/civilrights). Other resources are available at these Web sites, including:

- Information on predatory lending
- “Fair Housing in Washington State: Top 100 Frequently Asked Questions and Answers for Property Owners and Managers.” A must for rental property owners and managers.
- Sample policies for residential property managers on service animals, tenant-on-tenant harassment, and reasonable accommodations
- Copies of the free quarterly “Fair Housing Update” newsletter
- Fair housing posters and a wealth of other resources.

Thanks again to everyone who helped in the creation of this guidebook.

## **Fair Housing Partners Of Washington State**

Washington State Human Rights Commission  
King County Office of Civil Rights  
Seattle Office for Civil Rights  
Tacoma Human Rights and Human Services Department  
Fair Housing Center of South Puget Sound  
Northwest Fair Housing Alliance

**AVAILABLE IN ALTERNATE FORMATS UPON REQUEST  
CONTACT KCOCR – 206-296-7592, TTY 206-296-7596**

This guide was produced under a Fair Housing Assistance Program grant from the U.S. Dept of Housing and Urban Development. This does not constitute legal advice. The fair housing laws are subject to change.



# Table of Contents

---

## **CHAPTER ONE: ADVERTISING AND MARKETING**

Page 1

<b>Question 1.</b>	How can I safely market my property under fair housing laws?	1
<b>Question 2.</b>	What can I say about my property? What should I avoid saying? Isn't there a list somewhere?	2
<b>Question 3.</b>	Am I required to use the equal housing logo in all my ads? Does my firm have to post fair housing posters in the common areas?	2
<b>Question 4.</b>	What should I consider before running ads with human models?	2
<b>Question 5.</b>	Can I ever affirmatively market to a specific protected class?	3
<b>Question 6.</b>	What advertising strategies or resources can I use to affirmatively market in general?	3
<b>Question 7.</b>	I am a member of a Christian real estate organization. Is it legal under fair housing laws to use Christian sounding names and Christian symbols in our advertising? Can we treat Christian customers differently?	3

## **CHAPTER TWO: WORKING WITH BUYERS**

Page 5

<b>Question 8.</b>	What questions can I ask prospects about the types of houses they want?	5
<b>Question 9.</b>	Many of my clients ask me a lot of questions about the neighborhood: "Who lives here? Are there any [fill in ethnic/racial group]?" How should I respond to questions like these?	6
<b>Question 10.</b>	Can I give my client demographic information that's readily available on the Internet?	6
<b>Question 11.</b>	A client is purchasing property as an investment, and wants to know how the price is trending in that area. How should I answer him?	6
<b>Question 12.</b>	Can I tell people how to find out if sex offenders live in their neighborhood?	7

<b>Question 13.</b>	What information can I give my client during the 3-day neighborhood review that will not violate fair housing laws?	7
<b>Question 14.</b>	I'm in Pasco and sometimes clients ask me where the Mexican areas of town are. Can I give them this information?	7
<b>Question 15.</b>	My client has asked me things like: "There aren't a lot of Asian people here, are there?" How should I respond to him?	7
<b>Question 16.</b>	My client asks lots of questions like: "Are housing prices going up? How fast do houses sell here? Do the people here keep up their places?" They're all legitimate questions, but I get the feeling he's fishing for ethnic information, which I'm uncomfortable talking about. When does a legitimate question become coded language for discrimination?	8
<b>Question 17.</b>	My client asked me, "Why is this house selling for \$300,000, and a few blocks over a similar house is selling for \$200,000?" I think it may have to do with the ethnicity of the people on either side of an old redline, but I don't want to say that to her. How should I respond?	8
<b>Question 18.</b>	A Chinese family from the New York area asked me where Chinatown is. How should I answer?	9
<b>Question 19.</b>	Some new clients told me, "Just show us houses in the white neighborhoods." What should I do?	9
<b>Question 20.</b>	A gay prospect, new to the area, asked me where the gay areas of town are. What should I say? How can I provide useful information under the fair housing laws?	9
<b>Question 21.</b>	A relocating home buyer in town for the weekend wants to know which is the most ethnically diverse neighborhood in the area, and he doesn't have time to do his own research. How can I guide him to appropriate neighborhoods without putting myself in legal jeopardy?	10
<b>Question 22.</b>	An African American couple wants to make an offer on a FSBO I just showed them. When I contacted the seller, she asked what race my clients were. How should I respond? What if the seller simply refuses to deal with my clients?	10
<b>Question 23.</b>	This FSBO house is my clients' dream home and I'm worried the owner might sell it to someone else because of their race. Can a fair housing agency do anything – fast?	11
<b>Question 24.</b>	Some of my clients want to include a photo of their families and/or write a letter to make their offer more attractive to the home seller. Does that violate fair housing laws?	11

- Question 25.** I'm not prejudiced, but I really don't want to work with a client who looks really poor, drives a bad car, etc. In my experience, they always have lousy credit and it's a waste of my time to take them around. And let's be honest, many of them happen to be racial minorities. Do I have to work with people like that? 12
- Question 26.** For safety reasons, I ask for a driver's license before working with a new prospect. Are there any fair housing issues here? 12

### **CHAPTER THREE: WORKING WITH SELLERS**

Page 13

- Question 27.** What should I do if a seller refuses to deal with a buyer based on discriminatory reasons? 13
- Question 28.** A homeowner told me not to bring any gay or lesbian couples around to view his house. What should I do? 14
- Question 29.** How can I protect myself from a potential complaint of discrimination when there are multiple offers on the table? 14
- Question 30.** My client asked me to collect photos from serious potential buyers. She says she wants to see who might wind up living in her house. I think she may want to exclude buyers who aren't white. What should I tell her? 14
- Question 31.** My client wants to sell his house to the daughter of an old friend. He's willing to take a lower price and worse terms. Does this violate fair housing laws? 15
- Question 32.** After an African American family made an offer, my client informed me that his homeowners association has "Covenants, Conditions and Restrictions" (CC&Rs) with old language including race restrictions. I know they're not enforceable, but what's the best way to handle this? Can we cross out the offensive language or get the CC&Rs changed? 15
- Question 33.** I've heard there are lots of "secret shoppers" scouting open houses trying to catch real estate agents in a fair housing violation. Is that true? 16
- Question 34.** I do a lot of open houses, and I can spot testers before they walk through the front door. They always ask questions designed to set me up. How can I train my other agents to watch out for these situations? 16
- Question 35.** I had just started talking to a white couple at an open house when a non-white couple walked in and waited until I was available. I didn't ask both couples the same questions. Can I get sued under fair housing laws? 17

<b>Question 36.</b>	As a listing agent, am I obligated to ask a seller to leave when someone views the house, so the seller doesn't meet potential buyers face to face? If she meets some but not all prospective buyers, couldn't she discriminate? What is my potential liability?	17
<b>Question 37.</b>	I notice that many buyers' agents present offers to the seller from clients who are the same race or national origin as the buyer's agent. To avoid potential bias, shouldn't there be a law that says only listing agents can present offers to the seller?	18
<b>Question 38.</b>	Two women were listed on the offer I presented to my client, who then asked me if the women are lesbians. How should I respond?	18

## **CHAPTER FOUR: CUSTOMER SERVICE**

Page 19

<b>Question 39.</b>	Fair housing seems to be all about the "intent" of a buyer, seller or agent. Real estate professionals are used to dealing with the paper-driven environment of contractual agreements. How can we incorporate fair housing laws into that environment?	19
<b>Question 40.</b>	Agents take pride in providing personal service to their individual clients. We don't (and can't) treat everyone the same. Doesn't that contradict the intent of fair housing laws?	19
<b>Question 41.</b>	I got into an argument with another agent about selling to families versus single people. I thought it was a fair housing issue. How can we get the straight information? (P.S. We have a bet on the correct answer.)	20
<b>Question 42.</b>	Customers sometimes want to work with an agent or mortgage lender who is NOT of their own ethnic background. As the manager of a real estate office, can I honor that type of request?	20
<b>Question 43.</b>	Is it legal for me to refer a non-English speaking client to an agent who speaks the client's language?	20
<b>Question 44.</b>	Do we have to provide translated documents for non-English speaking clients?	20
<b>Question 45.</b>	I have a Russian prospect who doesn't speak English. I don't speak Russian, and I don't know anyone who does. Do I have to work with this prospect?	21
<b>Question 46.</b>	I'm a buyer's agent. Time and again, I find people of certain ethnicities are a real hassle to work with. I'm not racist, but why should I have to accept this type of person as a client?	21

- Question 47.** A client came into our office and started talking to our only African American agent. When the agent briefly stepped away, the client told our receptionist she'd rather work with someone else. The receptionist said she had to continue working with that agent. The next day, I started working with a client over the phone and later that week, I realized she was the same walk-in client. How should our office handle this type of situation? 22
- Question 48.** My client drives me crazy. He misses scheduled appointments, doesn't give me promised information, and passes up good homes because he's waiting for a "super deal" that will never happen. He happens to be Asian and I'm Latino. I want to sever our relationship, but I fear being tagged with a fair housing violation. Any thoughts? 22

## **CHAPTER FIVE: WORKING WITH MORTGAGE LENDERS, BROKERS & INDUSTRY PROFESSIONALS**

Page 23

- Question 49.** Sometimes my clients ask me to look through the loan documents for a house I helped them find. What are some of the things I should be aware of, and what should I do if I find any problems? 24
- Question 50.** I have a good working relationship with a few mortgage brokers and I often refer clients to these brokers. Is there anything wrong with this from a fair housing standpoint? 24
- Question 51.** I refer clients to a mortgage broker who's been in the business for a long time. What can I do to make sure she's keeping current on all the latest loan products? How can I keep myself informed? 25
- Question 52.** When is an FHA loan appropriate for a buyer, and when might a conventional loan be a better choice? 25
- Question 53.** I'm both a real estate agent and a mortgage broker. Are there any fair housing issues I should consider? 25
- Question 54.** My client is a lawful permanent resident with nontraditional credit. Where can I refer him to get the fairest loan product? 26
- Question 55.** I've learned that a real estate broker knowingly steers his clients to mortgage lenders that I regard as predatory. What should I do? 26
- Question 56.** I know a real estate agent who referred his client to a mortgage lender who I think is predatory. I believe the agent did it by mistake, but I'm concerned. Can I talk to him about this? 27
- Question 57.** What's all the fuss about "predatory" mortgage lending? I just don't see how mortgage lenders have a financial incentive to foreclose on loans. Why should I care about this issue? 27

<b>Question 58.</b>	How can I protect a client from predatory lending?	27
<b>Question 59.</b>	All the brokers and housing inspectors I work with and refer prospects to are white men. Is this a fair housing violation? Should I be concerned?	28
<b>Question 60.</b>	What should I do if I think an appraiser is making either an unjustifiably high or low appraisal?	28
<b>Question 61.</b>	Where can I get more information about down payment assistance programs for first-time home buyers? Where can I refer them to learn about the home buying and mortgage processes?	28

## **CHAPTER SIX: FAMILIES WITH CHILDREN & HOUSING FOR OLDER PEOPLE**

Page 29

<b>Question 62.</b>	Can I say "Families Welcome" in advertising or on community signage?	29
<b>Question 63.</b>	Should I avoid certain words or phrases to make sure I don't discourage families with children?	29
<b>Question 64.</b>	I'm showing a condo that sits right over some water and has wide gaps between the balcony rails. A family is interested in the place, but I don't think it's safe for their young child. Shouldn't I say something?	30
<b>Question 65.</b>	A listing agent told me her clients would prefer to sell their house to a family. I have several single people who are interested in the house. Does the seller's plan violate fair housing laws? If so, what should I do?	30
<b>Question 66.</b>	Can I tell prospects with families what the schools are like or if sex offenders are registered in the area?	30
<b>Question 67.</b>	I'm selling a condo in a community that has a two-per-bedroom limit on occupants. A family of five made an offer on a two-bedroom unit. Can the community limit the number of occupants?	31
<b>Question 68.</b>	My condominium's CC&Rs contain language that requires owners and sub-lesors to adhere to a "one-child-per-bedroom" rule. Is that legally binding?	31
<b>Question 69.</b>	My client is selling a condo in a community that requires that an adult be present when children under 18 use the pool, sauna or workout room. They also post "adult only" swim hours. Can they do that?	32
<b>Question 70.</b>	What is the Housing for Older Persons Act (HOPA)?	32



<b>Question 71.</b>	How can I verify a community's intent to operate as a "55 or older" community?	33
<b>Question 72.</b>	Do I need to verify a purchaser's age when I am selling a home in a "55 or older" community. If so, how should I go about getting it?	34
<b>Question 73.</b>	Can a "55 or older" community impose restrictions on children under 18 in certain common areas at certain times?	34

## **CHAPTER SEVEN: PEOPLE WITH DISABILITIES**

Page 35

<b>Question 74.</b>	What disability laws apply to the sale of houses?	35
<b>Question 75.</b>	Are there any differences between federal and state or local laws regarding disability?	35
<b>Question 76.</b>	Under fair housing laws, who is considered to be disabled and who is not?	36
<b>Question 77.</b>	My client's home has a ramp and other access features. She'd like to market it to people with physical disabilities. Can we do that?	36
<b>Question 78.</b>	What can we do to make our services more available to people with disabilities?	36
<b>Question 79.</b>	A blind person contacted our office about buying a house. She's new to the area and wants us to show her several different neighborhoods. Do you have advice about working with visually disabled people?	37
<b>Question 80.</b>	A deaf couple came into my office looking for a home. I hired a qualified sign language interpreter to assist. It's great - now I'm getting lots of new deaf clients! Did I <b>have</b> to hire an interpreter?	37
<b>Question 81.</b>	A wheelchair user wants me to show him some homes. What should I do when the home he wants to see is inaccessible to him?	38
<b>Question 82.</b>	A prospect brings a dog with him wherever he goes. He says it's a service animal, but I've never seen it do anything but sleep. I don't want this animal shedding on the back seat of my car. What should I do?	39
<b>Question 83.</b>	A condo association with a "no pets" policy is refusing to allow my client to purchase a unit because he has an "emotional support animal." What can I do?	40
<b>Question 84.</b>	A homeowners association let my client have a service animal but the board wants to know what they should say to other owners who are angry about the decision or who want a pet themselves.	40

<b>Question 85.</b>	A buyer with a Rottweiler as a service animal made an offer on a condo. The condo association says that their insurance company won't insure certain breeds, including Rottweilers. What should we do?	41
<b>Question 86.</b>	A homeowners association is refusing to let my client sell her townhome to a buyer who needs a nearby accessible parking space as an accommodation. Parking is at a premium in this complex; the current space for this unit is up a hill. What should I do?	41
<b>Question 87.</b>	A prospective buyer with a wheelchair wants to purchase an inaccessible condo. He's willing to build a ramp on the front deck at his own expense. The condo association board turned down the proposal, claiming the construction would "deface" the property. Both the condo owner and buyer are on hold. What should they do?	42
<b>Question 88.</b>	My client applied for a loan on a duplex and brought all of his financial information to the broker. The broker asked several intrusive questions about his disability that seemed to go beyond determining if he could afford the loan. Is this legal?	43
<b>Question 89.</b>	What are the general access requirements under fair housing laws?	43
<b>Question 90.</b>	What is "visitability?"	44
<b>Question 91.</b>	I represent a development company that's constructing a two-building complex. Before we began work on the second building, a buyer notified us that he wants a roll-in shower and some other accessible features installed in his unit. What should we do?	45
<b>Question 92.</b>	If the house next door is a group home for people with developmental disabilities, do I have to disclose that to potential buyers?	46

## **CHAPTER EIGHT: BOTH SIDES OF THE LAW – PROTECTIONS & LIABILITIES**

Page 47

<b>Question 93.</b>	I just lost a sales commission when an owner refused to deal with my Mexican clients. What are my rights?	47
<b>Question 94.</b>	I just filed a discrimination complaint. What happens now?	47
<b>Question 95.</b>	I'm Native American and I work in a small town. I'd like to join my local real estate association, but I keep getting put off. What are my rights?	48
<b>Question 96.</b>	Can violating fair housing laws affect my real estate license?	49
<b>Question 97.</b>	Should I keep all buyers' offers on file? For how long? What other records should I keep?	49

<b>Question 98.</b>	What is my general liability regarding fair housing?	49
<b>Question 99.</b>	Is a real estate brokerage firm in violation of fair housing laws if one of its employees or agents unlawfully discriminates?	49
<b>Question 100.</b>	A complaint was just filed against me alleging discrimination. What happens now?	49

## **APPENDICES**

**Appendix A: Fair Housing Agency Chart**

**Appendix B: Fair Housing Basics**

**Appendix C: Area Resources for Home Buyers**

**Appendix D: Educational Resources for Home Buyers**

**Appendix E: Questions for Home Buyers to Ask Lenders**

**Appendix F: Loan Closing Checklist**

**Appendix G: Predatory Lending**